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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/758,198	TONEGAWA, NOBUYUKI
		Examiner	Art Unit
		Marcus T. Riley	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>1/16/2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>1/16/04</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

> Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.
>
> When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).
>
> In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

2.   **Claim 11** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 11 defines a computer-readable storage medium embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex

IV). That is, the scope of the presently claimed computer-readable storage medium can range

from paper on which the program is written, to a program simply contemplated and memorized

by a person. The examiner suggests amending the claim to embody the program on "computer-

readable medium" or equivalent in order to make the claim statutory. Any amendment to the

claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1, 6, 7, & 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Motoyama (US 2002/0030836 A1 hereinafter, Motoyama '836) in combination with Ett (US

5,227,893 hereinafter, Ett '893).

Regarding claim 1; Motoyama '836 discloses an image processing apparatus

comprising: first input means for inputting first data created by predetermined application

software (*"The multi-function machine 10 then provides a prompt to read the first input (block

106). As before, the prompt may be provided on LCD 36, or on the monitor 82 of host computer

80. The first input may be image data from host computer 80, scanned image data, or stored

facsimile image data."* Page 3, Paragraph 0037); second input means for inputting second data

converted into image data of a predetermined format on the basis of the first data (*"The multi-

function machine 10 then provides a prompt to read the second input (block 108). The prompt*

may be provided on LCD 36, or on the monitor 82 of host computer 80. The second input may be

any of a number of classes of image data, as was the case with the first input." Page 3,

Paragraph 0038); registration means for registering the first and second data in a database in

correspondence with a specific index ("*...returning to FIG. 6, a merge request is made (block*

102) and then the merge destination is selected (block 104). By way of example, the first input

read (block 106) may be a copy, and the second input read (block 108) may be a registered

image, as selected from the registered image selection menu of FIG. 8." Page 4, Paragraph

0055); output means for outputting either of the first and second data which are registered in the

database ("*the merged image data is routed to any of a number of locations including the*

printer, the host computer, DRAM, an optional disk, or the facsimile output." Page 3, Paragraph

0040); designation means for designating an output method by said output means ("*In*

accordance with the present invention, the merged image data may be conveyed to any of a

number of user selectable output destinations." Page 2, Paragraph 0035); and control means for

so controlling as to select either of the first and second data on the basis of the output method

designated by said designation means and the information which is input by said index input

means and represents the index, and cause said output means to output the selected data in

accordance with the output method ("*The merge instruction may be executed in any of a number*

of manners. For instance, the first input first input may be fax image data which is stored in

DRAM 58. The second input may be image data from host computer 80. CPU 42 will consider

each pixel from the respective inputs and perform the required logical operation. The merged

image data output from the logical operation may be conveyed to DRAM 46 or storage device 74

until the merge operation is completed. Thereafter, the CPU 42 uses the stored user-selected

destination to create a route command. Thus, if the merged image data of the present example is

to be routed to the facsimile output, then the CPU 42 would provide instructions to move the

stored image data over bus 44 through interface controller 56 into fax processor 60." Page 2,

Paragraph 0046).

Motoyama '836 does not expressly disclose index input means for inputting information

representing the index.

Ett '893 discloses index input means for inputting information representing the index (*"It*

is another object of the invention to recover the Pseudo Bar Code information, converting it to

standard computer coded data suitable for re-routing the facsimile or image message, or for

indexing..." column 1, lines 16-20);

Motoyama '836 and Ett '893 are combinable because they are from same field of

endeavor of image processing apparatuses (*"It is another object of the present invention to*

incorporation of said code pattern into the image portion of a facsimile or other image

transmission in such a manner as to be transparent to the system, the network, and users." Ett

'893 at column 2, lines 25-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to modify image processing unit as taught by Motoyama '836 by adding index input

means for inputting information representing the index as taught by Ett '893.

The motivation for doing so would have been to permit the embedding of data needed for

indexing, or further routing, within the image in machine readable form, which is transparent to

the users. (*"This invention combines some of the attributes of commonly used Bar Codes with*

facsimile in a manner such as to permit the embedding of data needed for indexing, or further

routing, within the image in machine readable form, which is transparent to the users." Ett '893

at column 2, lines 13-17).

Therefore, it would have been obvious to combine Motoyama '836 with Ett '893 to

obtain the invention as specified in claim 1.

Regarding claim 6; Motoyama '836 discloses The apparatus according to claim 2,

wherein said output means includes said printing means, and when the output method designated

by said designation means is printed by said printing means, said control means so controls as to

select the second data and cause said printing means to print an image based on the second data

(*"The instructions of the routine provide a prompt for the destination of the merged data. This*

prompt is sent by bus 44 through interface controller 1 (52) or through interface controller 2,

depending upon where the merge request originated from. In the case of an instruction routed

through interface controller 1, a prompt is provided on LCD 36. For instance, a suitable prompt

would be "Enter Merged Data Destination". The data destination would then be entered through

the use of one of the control panel 34 keys, for instance, the "print" key, or by using the cursor

control keys 35 on the control panel 34. An analogous procedure is undertaken in the case of an

instruction routed through interface controller 2. In this instance, the prompt is provided on

computer monitor 82 of host computer 80. The data destination would then be entered through

the keyboard or mouse associated with the host computer. In either embodiment, the destination

is read and stored in one of the memory devices (DRAM 46 or storage device 74). Subsequently,

prompts are provided in an analogous manner for the first input and the second input. The first

and second inputs are read and stored in one of the memory devices. Afterwards, the merge

instruction is executed. The merge instruction may be executed in any of a number of manners.

For instance, the first input may be fax image data which is stored in DRAM 58. The second

input may be image data from host computer 80. " Page 3, Paragraphs 0043-0046).

Regarding claim 7; Motoyama '836 discloses The apparatus according to claim 1,

wherein the apparatus further comprises transmission means for transmitting data as one of said

output means, and when the output method designated by said designation means is transmission

by said transmission means, said control means so controls as to cause said transmission means

to transmit the first data (*"...the merged data is transmitted to the user selectable destination*

(block 112). The destination was previously determined at block 104. Thus, the merged image

data is routed to any of a number of locations including the printer, the host computer, DRAM,

an optional disk, or the facsimile output. The particular execution of these instructions on the

multi-function machine 10 is more fully appreciated with reference to FIG. 3. The merge request

is received by CPU 42 via bus 44 through either interface controller 1 (52), in the case of a

request from the control panel 34, or through interface controller 2 (54), in the case of a request

from the host computer 80. " Page 3, Paragraphs 0040-0041).

Regarding claim 9; Motoyama '836 discloses an image processing method comprising:

a first input step of inputting first data created by predetermined application software (*"The*

multi-function machine 10 then provides a prompt to read the first input (block 106). As before,

the prompt may be provided on LCD 36, or on the monitor 82 of host computer 80. The first

input may be image data from host computer 80, scanned image data, or stored facsimile image

data. " Page 3, Paragraph 0037); a second input step of inputting second data converted into

image data of a predetermined format on the basis of the first data (*"The multi-function machine*

10 then provides a prompt to read the second input (block 108). The prompt may be provided on

LCD 36, or on the monitor 82 of host computer 80. The second input may be any of a number of classes of image data, as was the case with the first input. " Page 3, Paragraph 0038); a registration step of registering the first and second data in a database in correspondence with a specific index (*"...returning to FIG. 6, a merge request is made (block 102) and then the merge destination is selected (block 104). By way of example, the first input read (block 106) may be a copy, and the second input read (block 108) may be a registered image, as selected from the registered image selection menu of FIG. 8.* " Page 4, Paragraph 0055); a designation step of designating an output method of the data registered in the database (*"In accordance with the present invention, the merged image data may be conveyed to any of a number of user selectable output destinations.* " Page 2, Paragraph 0035); and an output step of selecting either of the first and second data on the basis of the output method designated in the designation step and the information which is input in the index input step and represents the index and outputting the selected data in accordance with the output method (*"The merge instruction may be executed in any of a number of manners. For instance, the first input first input may be fax image data which is stored in DRAM 58. The second input may be image data from host computer 80. CPU 42 will consider each pixel from the respective inputs and perform the required logical operation. The merged image data output from the logical operation may be conveyed to DRAM 46 or storage device 74 until the merge operation is completed. Thereafter, the CPU 42 uses the stored user-selected destination to create a route command. Thus, if the merged image data of the present example is to be routed to the facsimile output, then the CPU 42 would provide instructions to move the stored image data over bus 44 through interface controller 56 into fax processor 60.* "
Page 2, Paragraph 0046).

Motoyama '836 does not expressly disclose an index input step of inputting information representing the index.

Ett '893 discloses an index input step of inputting information representing the index (*"It is another object of the invention to recover the Pseudo Bar Code information, converting it to standard computer coded data suitable for re-routing the facsimile or image message, or for indexing..."* column 1, lines 16-20).

Motoyama '836 and Ett '893 are combinable because they are from same field of endeavor of image processing apparatuses (*"It is another object of the present invention to incorporation of said code pattern into the image portion of a facsimile or other image transmission in such a manner as to be transparent to the system, the network, and users."* Ett '893 at column 2, lines 25-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify image processing unit as taught by Motoyama '836 by adding index input means for inputting information representing the index as taught by Ett '893.

The motivation for doing so would have been to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users. (*"This invention combines some of the attributes of commonly used Bar Codes with facsimile in a manner such as to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users."* Ett '893 at column 2, lines 13-17).

Therefore, it would have been obvious to combine Motoyama '836 with Ett '893 to obtain the invention as specified in claim 1.

Regarding claim 10; Motoyama '836 discloses a program which causes a computer to

execute a first input step of inputting first data created by predetermined application software

(*"The multi-function machine 10 then provides a prompt to read the first input (block 106). As*

before, the prompt may be provided on LCD 36, or on the monitor 82 of host computer 80. The

first input may be image data from host computer 80, scanned image data, or stored facsimile

image data." Page 3, Paragraph 0037); a second input step of inputting second data converted

into image data of a predetermined format on the basis of the first data (*"The multi-function*

machine 10 then provides a prompt to read the second input (block 108). The prompt may be

provided on LCD 36, or on the monitor 82 of host computer 80. The second input may be any of

a number of classes of image data, as was the case with the first input." Page 3, Paragraph

0038); a registration step of registering the first and second data in a database in correspondence

with a specific index (*"...returning to FIG. 6, a merge request is made (block 102) and then the*

merge destination is selected (block 104). By way of example, the first input read (block 106)

may be a copy, and the second input read (block 108) may be a registered image, as selected

from the registered image selection menu of FIG. 8." Page 4, Paragraph 0055); a designation

step of designating an output method of the data registered in the database (*"In accordance with*

the present invention, the merged image data may be conveyed to any of a number of user

selectable output destinations." Page 2, Paragraph 0035); and an output step of selecting either

of the first and second data on the basis of the output method designated in the designation step

and the information which is input in the index input step and represents the index and outputting

the selected data in accordance with the output method (*"The merge instruction may be executed*

in any of a number of manners. For instance, the first input first input may be fax image data

which is stored in DRAM 58. The second input may be image data from host computer 80. CPU

42 will consider each pixel from the respective inputs and perform the required logical

operation. The merged image data output from the logical operation may be conveyed to DRAM

46 or storage device 74 until the merge operation is completed. Thereafter, the CPU 42 uses the

stored user-selected destination to create a route command. Thus, if the merged image data of

the present example is to be routed to the facsimile output, then the CPU 42 would provide

instructions to move the stored image data over bus 44 through interface controller 56 into fax

processor 60. " Page 2, Paragraph 0046).

Motoyama '836 does not expressly disclose an index input step of inputting information

representing the index.

Ett '893 discloses an index input step of inputting information representing the index (*"It*

is another object of the invention to recover the Pseudo Bar Code information, converting it to

standard computer coded data suitable for re-routing the facsimile or image message, or for

indexing... " column 1, lines 16-20).

Motoyama '836 and Ett '893 are combinable because they are from same field of

endeavor of image processing apparatuses (*"It is another object of the present invention to*

incorporation of said code pattern into the image portion of a facsimile or other image

transmission in such a manner as to be transparent to the system, the network, and users. " Ett

'893 at column 2, lines 25-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify image processing unit as taught by Motoyama '836 by adding an index input step of inputting information representing the index as taught by Ett '893.

The motivation for doing so would have been to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users. (*"This invention combines some of the attributes of commonly used Bar Codes with facsimile in a manner such as to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users."* Ett '893 at column 2, lines 13-17).

Therefore, it would have been obvious to combine Motoyama '836 with Ett '893 to obtain the invention as specified in claim 1.

Regarding claim 11; Motoyama '836 discloses a computer-readable storage medium which stores a program for causing a computer to execute a first input step of inputting first data created by predetermined application software (*"The routing destination is where the merged image data is sent. For instance, the merged image data may be sent to the printer for printing, to the host computer, to DRAM, to a storage device, or to the facsimile, as to be more fully described below. The multi-function machine 10 then provides a prompt to read the first input (block 106). As before, the prompt may be provided on LCD 36, or on the monitor 82 of host computer 80. The first input may be image data from host computer 80, scanned image data, or stored facsimile image data."* Page 3, Paragraphs 0036-0037); a second input step of inputting second data converted into image data of a predetermined format on the basis of the first data (*"The multi-function machine 10 then provides a prompt to read the second input (block 108).*

The prompt may be provided on LCD 36, or on the monitor 82 of host computer 80. The second

input may be any of a number of classes of image data, as was the case with the first input. "

Page 3, Paragraph 0038); a registration step of registering the first and second data in a database

in correspondence with a specific index *("...returning to FIG. 6, a merge request is made (block*

102) and then the merge destination is selected (block 104). By way of example, the first input

read (block 106) may be a copy, and the second input read (block 108) may be a registered

image, as selected from the registered image selection menu of FIG. 8." Page 4, Paragraph

0055); a designation step of designating an output method of the data registered in the database

("In accordance with the present invention, the merged image data may be conveyed to any of a

number of user selectable output destinations. " Page 2, Paragraph 0035); Motoyama '836 and an

output step of selecting either of the first and second data on the basis of the output method

designated in the designation step and the information which is input in the index input step and

represents the index and outputting the selected data in accordance with the output method *("The*

merge instruction may be executed in any of a number of manners. For instance, the first input

first input may be fax image data which is stored in DRAM 58. The second input may be image

data from host computer 80. CPU 42 will consider each pixel from the respective inputs and

perform the required logical operation. The merged image data output from the logical

operation may be conveyed to DRAM 46 or storage device 74 until the merge operation is

completed. Thereafter, the CPU 42 uses the stored user-selected destination to create a route

command. Thus, if the merged image data of the present example is to be routed to the facsimile

output, then the CPU 42 would provide instructions to move the stored image data over bus 44

through interface controller 56 into fax processor 60. " Page 2, Paragraph 0046).

Motoyama '836 does not expressly disclose an index input step of inputting information representing the index.

Ett '893 discloses an index input step of inputting information representing the index ("*It is another object of the invention to recover the Pseudo Bar Code information, converting it to standard computer coded data suitable for re-routing the facsimile or image message, or for indexing...*" column 1, lines 16-20).

Motoyama '836 and Ett '893 are combinable because they are from same field of endeavor of image processing apparatuses ("*It is another object of the present invention to incorporation of said code pattern into the image portion of a facsimile or other image transmission in such a manner as to be transparent to the system, the network, and users.*" Ett '893 at column 2, lines 25-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify image processing unit as taught by Motoyama '836 by adding an index input step of inputting information representing the index as taught by Ett '893.

The motivation for doing so would have been to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users. ("*This invention combines some of the attributes of commonly used Bar Codes with facsimile in a manner such as to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users.*" Ett '893 at column 2, lines 13-17).

Therefore, it would have been obvious to combine Motoyama '836 with Ett '893 to obtain the invention as specified in claim 1.

5.   **Claims 2-5 & 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Motoyama '836 in combination with Ett '893.

Regarding claim 2; Motoyama '836 as modified does not expressly disclose where the

apparatus further comprises printing means for printing an image obtained by synthesizing the

information representing the index and the second data input by said second input means, and

said index input means inputs the information representing the index by reading, by a reading

device, the image which is obtained by synthesizing the information representing the index and

the data input by said second input means and is printed by said printing means.

Ett '893 discloses where the apparatus further comprises printing means for printing an

image obtained by synthesizing the information representing the index and the second data input

by said second input means, and said index input means inputs the information representing the

index by reading, by a reading device, the image which is obtained by synthesizing the

information representing the index and the data input by said second input means and is printed

by said printing means (*"The initial or start character enables the pseudo bar code decode*

module 52 to determine the density used. The decoded ASCII characters are then used to define

the routing, destination, or storage index, thus permitting incoming facsimile messages to be

handled without an operator. In an alternate, but less preferred embodiment, the black and white

stripe of the pseudo bar code itself is used to define routing or indexing procedures without

translation to the alphanumeric character stream. The received facsimile messages can be

displayed on the display 18, or printed on the printer 22, or may be sent to a Host computer via

host connections 30 and host communication line 56, or via the facsimile modem 28 and the

PSTN 56 to another facsimile system, with the same or new imbedded routing/indexing information." column 5, lines 56-67 thru column 6, lines 1-3).

Motoyama '836 and Ett '893 are combinable because they are from same field of endeavor of image processing apparatuses (*"It is another object of the present invention to incorporation of said code pattern into the image portion of a facsimile or other image transmission in such a manner as to be transparent to the system, the network, and users."* Ett '893 at column 2, lines 25-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify image processing unit as taught by Motoyama '836 by adding where the apparatus further comprises printing means for printing an image obtained by synthesizing the information representing the index and the second data input by said second input means, and said index input means inputs the information representing the index by reading, by a reading device, the image which is obtained by synthesizing the information representing the index and the data input by said second input means and is printed by said printing means as taught by Ett '893.

The motivation for doing so would have been to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users. (*"This invention combines some of the attributes of commonly used Bar Codes with facsimile in a manner such as to permit the embedding of data needed for indexing, or further routing, within the image in machine readable form, which is transparent to the users."* Ett '893 at column 2, lines 13-17).

Therefore, it would have been obvious to combine Motoyama '836 with Ett '893 to obtain the invention as specified in claim 1.

Regarding claim 3; Ett '893 discloses where the information representing the index is expressed by a barcode (*"FIG. 3A shows a typical string of bar codes in code 39, with a start character 78, data characters 80, a check data character 82, and a stop character 84. The start 78 and stop 84 characters are identical and contain information needed to define the widths of the bars and spaces in the ensuing code patterns."* column 6, lines 34-39).

Regarding claim 4; Ett '893 discloses where the information representing the index is expressed by a character string (*"FIG. 3A shows a typical string of bar codes in code 39, with a start character 78, data characters 80, a check data character 82, and a stop character 84. The start 78 and stop 84 characters are identical and contain information needed to define the widths of the bars and spaces in the ensuing code patterns."* column 6, lines 34-39).

Regarding claim 5; Ett '893 discloses where the information representing the index is expressed by each character spacing in a predetermined character string (*"The initial or start character enables the pseudo bar code decode module 52 to determine the density used. The decoded ASCII characters are then used to define the routing, destination, or storage index..."* column 5, lines 56-59). See also (*"FIG. 3A shows a typical string of bar codes in code 39, with a start character 78, data characters 80, a check data character 82, and a stop character 84. The start 78 and stop 84 characters are identical and contain information needed to define the widths of the bars and spaces in the ensuing code patterns."* column 6, lines 34-39).
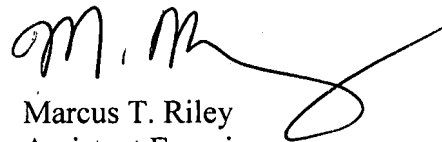
Regarding claim 8; Ett '893 discloses where the database is constructed by a terminal

connected via a network (*"It is another object of the present invention to incorporation of said*

code pattern into the image portion of a facsimile or other image transmission in such a manner

as to be transparent to the system, the network, and users." column 2, lines 25-29).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marcus T. Riley whose telephone number is 571-270-1581. The

examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler Lamb can be reached on 571-272-7406. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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